

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

IN THE MATTER OF

**Timothy Wilson, d/b/a
Wilson's Pest Control,**

Respondent.

)
) **Docket No. FIFRA-07-2023-0135**
)
)
) **MOTION TO AMEND THE**
) **COMPLAINT**
)
)

Complainant U.S. Environmental Protection Agency ("EPA") hereby respectfully submits the following Motion to Amend the Complaint.

1. On March 20, 2024, this Court ordered that non-dispositive motions must be filed no later than 60 days prior to the scheduled hearing.
2. In the present case, no hearing date has been set.
3. Complainant moves to amend the Complaint for several reasons:
 - a. To correct typing and grammatical errors;
 - b. To add specificity to the statutory and regulatory framework section; and
 - c. To more closely align the alleged violations to the factual bases underlying the Complaint.
4. Specifically, Complainant requests this Court's approval of the following changes:
 - a. Page 1, caption: inserted "Amended"
 - b. Paragraph 1: inserted "Amended"
 - c. Page 2-16 header: inserted "Amended"
 - d. Statutory & Regulatory Background
 - i. Deleted former paragraphs 8 and 20

- ii. Inserted new paragraphs 19 and 20 defining label and labeling according to 7 U.S.C. § 136(p)
- iii. Deleted former paragraph 23
- iv. Deleted former paragraph 24
- v. Inserted new paragraph 27 referencing the labeling requirements of 40 C.F.R. Part 156

e. General Factual Allegations

- i. Paragraph 33: changed 33 to 32
- ii. Paragraph 34: changed 33 to 32
- iii. Paragraph 35: changed 33 to 32 and inserted “by Section 2(w) of FIFRA, 7 U.S.C. § 136(w) and”
- iv. Paragraph 36: changed 33 to 32
- v. Paragraph 37: changed 33 to 32
- vi. Paragraph 38: changed 33 to 32
- vii. Paragraph 39: changed 33 to 32
- viii. Paragraph 40: deleted “2400 N. Grand Boulevard, St. Louis, Missouri 63106”

f. Violations

- i. Paragraph 43: changed 31 to 30 and 42 to 41
- ii. Paragraph 47: changed 33 to 32
- iii. Paragraph 48: changed 33 to 32
- iv. Paragraph 49: changed 33 to 32
- v. Paragraph 50: changed 33 to 32

- vi. Former paragraph 55 deleted
- vii. Paragraph 52: changed 31 to 30 and 42 to 41
- viii. Paragraph 58: changed 33 to 32
- ix. Paragraph 59: changed 33 to 32
- x. Paragraph 59(a):
 - 1. Removed “use restrictions”
 - 2. Inserted “and”
 - 3. Inserted “animal”
 - 4. Removed “and directions for storage and disposal”
- xi. Paragraph 59(c):
 - 1. Removed “use restrictions”
 - 2. Inserted “and”
 - 3. Inserted “animal”
 - 4. Removed “and directions for storage and disposal”
- xii. Paragraph 59(e):
 - 1. Removed “use restrictions”
 - 2. Inserted “and”
 - 3. Inserted “animal”
 - 4. Removed “and a statement of practical treatment (first aid or otherwise) in case of poisoning, and directions for storage and disposal”
- xiii. Paragraph 59(h):
 - 1. Removed “name and”

2. Removed “registration number; and”
3. Inserted “for human, domestic animal, and environmental hazards”
4. Removed “directions for storage/disposal”

xiv. Paragraph 59(i):

1. Inserted “and”
2. Removed “name and address of the producer, registrant, or person for whom produced; and directions for storage/disposal”

xv. Paragraph 59(j):

1. Inserted “and”
2. Removed “address of the producer, registrant, or person for whom produced; and directions for storage/disposal”

xvi. Paragraph 62: changed 31 to 30 and 42 to 41

5. Complainant communicated its intention to file this motion to Respondent’s attorney via e-mail on August 1st and 6th, 2024, and left a voice mail on August 6th, 2024. Respondent has not provided any response as of the date of this motion.

RESPECTFULLY SUBMITTED this 9th day of August, 2024.

For the Complainant
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CERTIFICATE OF SERVICE

I certify that the foregoing Motion to Amend the Complaint, Docket No. FIFRA-07-2023-0135, has been submitted electronically using the OALJ E-Filing System.

A copy was sent via email to Mr. Melvin Raymond, counsel for Respondent, at *mraymondattorney1@att.net*.

Date: August 9, 2024

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